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**From:** O'Connor, Darcy [oconnor.darcy@epa.gov]  
**Sent:** 7/9/2020 6:39:27 PM  
**To:** Minter, Douglas [Minter.Douglas@epa.gov]; Bahrman, Sarah [Bahrman.Sarah@epa.gov]; Cheung, Wendy [Cheung.Wendy@epa.gov]  
**Subject:** RE: Notes/action items from the WMA Uranium Industry Committee meeting

Thanks Douglas – I did hear back from Carly a few minutes ago as well.

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**From:** Minter, Douglas <Minter.Douglas@epa.gov>  
**Sent:** Thursday, July 9, 2020 12:37 PM  
**To:** O'Connor, Darcy <oconnor.darcy@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Cheung, Wendy <Cheung.Wendy@epa.gov>  
**Subject:** RE: Notes/action items from the WMA Uranium Industry Committee meeting

## Ex. 5 Deliberative Process (DP)

Before the Director will issue written Authorization to Commence Injection, the Permittee must submit information to the Region 8 Air Program for the EPA to determine the applicability of the 40 CFR Part 61 Subpart W regulations, and if necessary, receive construction approval from the EPA.

I don't have any updates on the AE effort, but Wendy may be able to weigh in as she may be checking email today. I will also double check to see if she has sent anything more recently.

Douglas

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**From:** O'Connor, Darcy <oconnor.darcy@epa.gov>  
**Sent:** Thursday, July 9, 2020 12:14 PM  
**To:** Minter, Douglas <Minter.Douglas@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Cheung, Wendy <Cheung.Wendy@epa.gov>  
**Subject:** FW: Notes/action items from the WMA Uranium Industry Committee meeting

Hi everyone! I just gave a heads up to Sarah on this. Jag received the agenda for the WMA meeting that is happening in WY next Thursday (I'm attaching his email to this email chain). You'll notice it that it is about the same as the agenda from last October's meeting.

After the October meeting I put together notes from the meeting and Wendy augmented (see below). Jag made the decision to go back to Travis to identify one or two top items that he'd like us to focus on, which was the AE issue. With the rest of these issues back on the agenda for next week, I'm guessing there will be some interest from Jag on what items fall within R8 to address, and for those, what actions we have or should undertake.

## Ex. 5 Deliberative Process (DP)

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I know that Wendy is out this week – however if there are any updates on the AE work that haven't been provided to me (last email was 6/17), please send that one to me so I can add it to briefing paper.

Thanks!  
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**From:** Cheung, Wendy <Cheung.Wendy@epa.gov>  
**Sent:** Thursday, October 31, 2019 6:22 PM  
**To:** O'Connor, Darcy <oconnor.darcy@epa.gov>; Sopkin, Gregory <sopkin.gregory@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>  
**Subject:** RE: Notes/action items from the WMA Uranium Industry Committee meeting

My comments below.

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**From:** O'Connor, Darcy <oconnor.darcy@epa.gov>  
**Sent:** Thursday, October 31, 2019 5:41 PM  
**To:** Sopkin, Gregory <sopkin.gregory@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Cheung, Wendy <Cheung.Wendy@epa.gov>  
**Subject:** Notes/action items from the WMA Uranium Industry Committee meeting

Folks, I jotted down the following action items for us – please edit as appropriate. We can get names/groups associated with these once we are clear on the items.

- IRIS Assessment Plan for Uranium – committee understands that uranium tox work is not underway at this time. If this should change in the future we will let the WMA know and alert them to opportunities to provide input on the process.
- Aquifer Exemptions – use of the PLSS for setting boundaries. We explained how we have approached this work in our role as the approving authority and recognized that there is not a national approach for how these determinations are made. We will reach out to the other regions through our HQs office to see if there are opportunities for a more consistent approach.
- Aquifer Exemptions – ability to address changes in the boundaries that occur after wells are drilled. Wendy shared the approach we used in Dewey Burdock - WYDEQ confirmed that they were open to this approach in the future. Action item may be for Valois to share her approach with WDEQ to answer any questions as they consider implementing.

Elaborating on the above action item. Ryan from LQD let me know they are going to revise their rules in the coming year to take care of some typos from their most recent rule revision.

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)** EPA would work with LQD during their rule making process.

## Ex. 5 Deliberative Process (DP)

- Discussion around test methods for radon. Energy Fuels is talking with John Walsh and Dan Schultheisz with Office of Radiation and Indoor Air in HQ on the use of another method. No real action item for us on this now, but we should let our Air Division know.
- Disposal of contaminated soils from uranium mines. Concern that you cannot dispose of mining waste with uranium in mill tailings ponds without first getting a permit amendment from the NRC and, in most cases, processing the waste to remove the uranium. They want an easier process to allow for disposal, which would decrease the time needed for cleanup of abandon sites or sites mandated for cleanup under CERCLA. While the NRC has identified 9 criteria that would be considered to allow for disposal of uranium mine waste in tailing ponds, this process is cumbersome. They've asked the Nuclear Fuels Working Group to look into additional options. We will talk with the groups here in R8 that might be involved in regulating this work – SEMD, LCRD, ARD – to better understand their concerns and also with R6 on what is transpiring in Arizona.
- Discussed the possibility of an MOU between EPA and NRC agreement states to mirror that EPA/NRC MOU. Todd P was open to this, but also suggested we look at something beyond WY (especially as this is not a current issue in WY with no uranium sites on or planned to be added to the NPL). Some discussion on how there has been conflict in CO at the Cotter and Uravan sites – I'll admit that I'm confused if the CERCLA cleanup is state-led and the state is an agreement state why there is conflict. We agreed to talk with the SEMD folks who would work on any type of MOU and see what approach may be appropriate (state/Regional MOUs, a national standard for EPA/state MOUs, which agreement states might be interested in an MOU, etc.).
- The final item on their agenda was UMTRCA and the process by which EPA sets the overarching regulations, then NRC and agreement states develop their regulations to implement. The question was who is responsible for the requirements. I asked if there was a specific issue that Oscar could provide as an example, but he didn't provide anything in the meeting. Not sure if there is an action item here.

In case you didn't get the final agenda they made available today, I've attached it. This bullet and the bullet directly above are related in that the WMA believes that an EPA/NRC MOU would resolve their concerns.

- Scott from Energy Fuels brought up EO 13807 – the One Federal Decision Executive Order and how it might apply to uranium activities. Patrick – I believe you were identified as the point person to reach out to HQs on this.

That's what I had from my notes. Please feel free to update/edit. Once we have the correct list I can send out to the other Divisions to get the right people involved on follow up.

Thanks!

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Ps – It doesn't look like Jagadeesan is on our email system yet – I can bring up a copy of this email for him.

*Darcy O'Connor, Director | Water Division | EPA Region 8 | 1595 Wynkoop Street, Denver, CO 80202  
/Phone: 303.312.6392*